

### **AMENDMENTS TO THE DRAWINGS**

A replacement sheet 3 of 3 including a corrected Figure 12 is attached hereto. Reference character 140 has been added to Figure 12 and identifies the elbow region 140 described at page 9, line 27 of the specification.

## **REMARKS**

Claims 1-21 were pending in the application. By this paper, claims 7-9, 14-16, 18, and 19 have been amended and claims 1-3, 6, and 17 have been canceled without prejudice. Reconsideration and withdrawal of the various objections and rejections are hereby respectfully solicited in view of the foregoing amendments and remarks.

### **Drawing Objections**

The drawings have been objected to for failing to include reference character 140. Figure 12 has been corrected to include the reference character 140 and a replacement sheet 3 of 3 is attached for consideration by the examiner. Upon approval of the corrected drawing, formal drawing figures will be submitted and will include the correction. Withdrawal of the drawing objection is respectfully requested.

### **Specification Objections**

The specification has been objected to for including an incorrect reference character '42' at page 6, identifying the anti-rotation tabs. The appropriate correction has been made. Withdrawal of the specification objection is respectfully requested.

### **Claim Rejections - 35 U.S.C. §112**

Claims 1-3, 6, 7, 14, 16, 17, and 19-21 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite. Each rejection is addressed separately herein.

Claims 1-3 and 6 have been canceled herein without prejudice and claim 7 now depends from claim 4. The rejections to claim 1 and resultant rejections of claims 2, 3, 6, and 7 under §112 are believed to be overcome.

Claims 14 and 17 were rejected for containing a grammatical informality. The recitation in claim 14 has been corrected and claim 17 has been canceled. The rejection under §112 of claim 14 is believed to be overcome.

Claims 16 and 17 were rejected for including the term "its" creating ambiguity in the claim. Claim 16 has been rewritten to eliminate use of the term and claim 17 has been canceled. The rejection under §112 of claim 16 is believed to be overcome.

Claim 19 was rejected for omitting structural relationships of elements with respect to the recited "tab." Claim 19 has been amended herein to correctly change "tab" to "sharp pointed tang." The rejection under §112 of claim 19 is believed to be overcome.

### **Claim Rejections - 35 U.S.C. §102**

Claims 1, 2, 6, 7, 9, and 16 have been rejected under 35 U.S.C. §102(b) as anticipated by Alaurent, EP 0 962 175 (Alaurent). Independent claim 1 and dependent claims 2 and 6 have been canceled herein without prejudice. Claim 7 have been amended to depend from allowed independent claim 4. Thus, the rejection of claims 1, 2, 6, 7 is believed to be overcome in view of the foregoing.

Claim 16 has been amended to depend from allowable claim 14 rendering its rejection moot. This leaves the rejection of claim 9 for further discussion.

Independent claim 9 has been amended herein to clarify that "the bearing surfaces of the respective mounting brackets face generally outwardly opposite one another, *are angled outwardly away from one another, and resiliently bend toward one another to bear against parallel opposed surfaces of a window opening when installed.*" In other words, it is the bearing surfaces that are angled outward away from one another and bend resiliently toward one another upon installation.

Alaurent as depicted in Figs. 1 and 2 discloses embodiments wherein no surface of the bracket sections 8 or 14 (each of which is positioned in the window opening) is borne directly against the window frame. Figs. 1 and 2 show that all surfaces of the bracket sections 8 or 14 are spaced from surfaces of the window frame opening by the anti-slip or friction elements 12 or 17. Also, Alaurent does not disclose the bracket sections 14 being at an outward angle relative to one another, nor that such sections 14 resiliently bend inward toward one another upon installation.

The embodiment disclosed in Fig. 6 of Alaurent, based on the written description of the reference, would appear to include a bracket first section 14 that is received within the window opening and that would bear against window frame surfaces when installed. However, as can be seen clearly in Fig. 6, the relationship of this section 14 is essentially perpendicular to the intermediate second section 15 and parallel to the third section 16 that attaches to the spring tension rod. Thus, the first section 14 would essentially be perpendicular at all times to the rod axis of the spring tension rod before and after installation.

Alaurent fails to teach or suggest at least the limitations of claim 9 that require the bearing surfaces to be outwardly angled relative to one another and to resiliently bend inward upon installation. As a result, claim 9 is neither anticipated nor rendered obvious by Alaurent when taken alone. This rejection under §102 should be withdrawn in view of the foregoing amendments and remarks.

Claims 8, 17, 19, and 20 have been rejected under 35 U.S.C. §102(b) as anticipated by Snyder, U.S. Patent No. 833,557 (Snyder). Claim 8 has been amended herein to be dependent from allowable claim 4, rendering its rejection moot. Claim 17 has been canceled herein without prejudice, also rendering its rejection moot.

Claim 20 depends from independent claim 19. Claim 19 has been amended herein to recite that the mounting brackets include a mounting section and an elbow section connected to one another. Claim 19 has also been amended herein to recite that, during the step of releasing the spring tension rod, the bearing surfaces resiliently bend from a non-parallel relative orientation to being parallel to one another and borne against the opposed and facing surfaces of the window opening. Snyder discloses a single one-piece integral bracket including both the portion for mounting against a window frame and the portion for connecting to a curtain rod. Snyder also discloses in Figs. 2-4 that its equivalent bearing surfaces 'P' as being parallel to one another both before and after installation. Snyder fails to teach or suggest all of the limitations of method claim 19 and its corresponding dependent claim 20.

The rejection of claims 19 and 20 under §102 should be withdrawn in view of the foregoing amendments and remarks.

#### **Claim Rejections - 35 U.S.C. §103**

Claim 3 has been rejected under 35 U.S.C. §103(a) as obvious over Alaurent. Claim 18 has been rejected as obvious over Alaurent in view of McMichael, U.S. Patent No. 5,143,336 (McMichael). Claim 21 has been rejected as obvious over Snyder in view of Alaurent. Each of these rejections should be withdrawn in view of the following remarks.

Claim 3 has been canceled herein rendering its rejection moot. Claim 18 has been amended herein to depend from allowable claim 14, thus, also rendering its rejection moot.

Claim 21 depends from claim 19, which recites its mounting brackets having a mounting section and an elbow section connected to one another, and which recites the

resilient bending of the bearing surfaces. Neither Snyder nor Alaurent teaches or suggests at least these limitations of claim 19, as discussed above. Alaurent and Snyder each teach an integral one-piece bracket construction that both provides the mounting portion for connecting to a window frame and the portion for connecting to the curtain rod. Both references also teach bearing surfaces that are parallel to one another both before and after installation. Thus, the combination of Snyder and Alaurent fails to teach or suggest all of the limitations of amended claim 19 and its corresponding dependent claim 21.

The rejection of claim 21 should be withdrawn in view of the foregoing amendments and remarks.

#### **Allowable Subject Matter**

The applicant gratefully acknowledges that claims 4, 5, 14, and 15 contain allowable subject matter. These claims have not been substantively amended herein. A minor informality in claim 14 has been corrected. Claim 15, though noted as being allowable, has been amended herein to depend from allowable claim 14 and thus should remain allowable.

#### **CONCLUSION**

Claims 4, 5, 7-16, and 18-21 are in condition for allowance in view of the foregoing amendments and remarks. Reconsideration and withdrawal of the various objections and rejections are hereby respectfully solicited.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

No fee is believed due at this time. However, the Commissioner is hereby authorized to charge any fee deficiency, or to credit any overpayments, to Deposit Account No. 13-2855 of the undersigned's firm.

Respectfully submitted,

A handwritten signature in cursive script, reading "Bryan J. Lempia", is written over a horizontal line.

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